

PATENT COOPERATION TREATY

AAR / WIT

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

PRINS, A.W.
VEREENIGDE
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PAYS-BAS

13-02-05 (quu)

17 NOV 2004

BEANTWOORD

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

11.11.2004

Applicant's or agent's file reference

P61268PC00

IMPORTANT NOTIFICATION

International application No.

PCT/NL 03/00577

International filing date (day/month/year)

12.08.2003

Priority date (day/month/year)

13.08.2002

Applicant

OTB GROUP B.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P61268PC00		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00577	International filing date (<i>day/month/year</i>) 12.08.2003	Priority date (<i>day/month/year</i>) 13.08.2002	
International Patent Classification (IPC) or both national classification and IPC H01L21/56			
Applicant OTB GROUP B.V. et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 10 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input checked="" type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(II) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 24.03.2004		Date of completion of this report 11.11.2004	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Schuitemaker, P Telephone No. +49 89 2399-2186 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. **PCT/NL 03/00577****I. Basis of the report**

1. With regard to the elements of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-6 filed with telefax on 21.09.2004

Claims, Numbers

1-20 filed with telefax on 21.09.2004

Drawings, Sheets

15-55 as originally filed

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. **PCT/NL 03/00577**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

- ☒ restricted the claims.
☐ paid additional fees.
☐ paid additional fees under protest.
☒ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
☒ not complied with for the following reasons:

see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
☒ the parts relating to claims Nos. 1-9, 11-14, 16-20.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Yes: Claims	2-9, 11-14, 16-19
	No: Claims	1
Inventive step (IS)	Yes: Claims	8, 20
	No: Claims	1-7, 9, 11-14, 16-19
Industrial applicability (IA)	Yes: Claims	1-9, 11-14, 16-20
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00577**

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00577

Ad section I:

- i) The text **'the distance between the two mould halves is continuously regulated and adjusted during the two mold halves being moved towards each other and during the two mold halves being held in a position when moved towards each other during the curing of the compound'** used in claims 1 and 11 is unclear, since the holding in a position of the mould halves would appear to suggest that the mould halves are stationary in a particular position which appears to be contradictory to the text 'when moving'. Thus, claims 1 and 11 do not meet the requirements of Article 6 PCT. For the establishment of the opinion on novelty and inventive step the claims have been interpreted to define that the distance between the two mould halves is continuously regulated and adjusted during the two mould halves being moved to each other and the mould halves are being held in a (closed) position during the curing of the compound.

Ad section IV:

- i) Reference is made to the following documents:

D1: EP-A-0 971 401 (APIC YAMADA CORP) 12 January 2000 (2000-01-12)
cited in the application

D2: WO 01/087569 A (KOK RONALDUS JOANNES CORNELIS ;O T B
ENGINEERING B V (NL); EVERS M) 22 November 2001 (2001-11-22)

- ii) The subject-matter of claim 1 is fully anticipated by the both the disclosures D1 D2 such that the requirements of Article 33(2) PCT are not met (see section V below).

Dependent claims 2-7, 9, 11-14 and 16-19 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3)), as these additional features are known from the cited documents and/or these additional features are considered to be normal and obvious design options for the skilled person.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00577

Therefore, the subject-matter of claims 1-7, 9, 11-14 and 16-19 is already known/not inventive. The requisite unity of invention (Rule 13.1 PCT) therefore no longer exists inasmuch as a technical relationship involving one or more of the same or corresponding special technical features in the sense of Rule 13.2 PCT does not exist between the subject-matter of the following groups of dependent claims:

1. The subject-matter of claims 8 and 20; and
2. The subject-matter of claims 10 and 15.

- v) The applicant has selected to proceed in this application with the above cited first invention (see reply of 25/05/2004).

Ad section V:

- i) Document D1 discloses (see e.g. paragraphs [0073] - [0085]) a method for completely or partly covering at least one electronic component with a compound, wherein in a suitable order, the following steps are traversed:
- a) the at least one electronic component 10/12/16 is placed on a mould half 20;
 - b) the electronic component is completely or partly covered with the compound 50;
 - c) a second mould half 21 which is moveable relative to the first mould half is moved in the direction of the first mould half (see e.g. column 13, lines 3-5);
 - e) the distance between the two mould halves is continuously regulated.
- Moreover, it is evident to the skilled person that during the closing of the mould, i.e. during the mould halves being moved to each other, the distance between the mould halves is adjusted and the mould halves are being kept closed during the curing of the compound. Thus, D1 also disclosed that the distance between the two mould halves is adjusted during the two mould halves being moved to each other and the mould halves are being held in a (closed) position during the curing of the compound.

Consequently, the subject-matter of claim 1 is not novel (Article 33(2) PCT).

Additionally, the subject-matter of claim 1 is also fully anticipated by the disclosure D2 such that the requirements of Article 33(2) PCT are not met (lack of novelty).

- ii) Dependent claims 2-7, 9, 11-14 and 16-19 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00577

requirements of the PCT in respect of inventive step (Article 33(3)), as these additional features are known from the cited documents and/or these additional features are considered to be normal and obvious design options for the skilled person.

- iii) The additional features of dependent claims 8 and 20 are not disclosed and/or suggested in the cited prior art. Therefore, it would appear that the subject-matter of claims 8 and 20 meet the requirements of Articles 33(2) and (3) PCT.